

STATEMENT OF JUSTIFICATION

SALAHY FAMILY LIMITED PARTNERSHIP OASIS WINERY, HUME VIRGINIA

APPLICATION FOR RENEWAL OF AN EXISTING SPECIAL EXCEPTION FOR CERTAIN CONTINUED OPERATIONS AT OASIS WINERY

This is an application on behalf of the Salahi Family Limited Partnership ("Oasis" or the "Winery") for the renewal of Special Exception SE99-M-47, granted by the Fauquier County Board of Supervisors on April 3, 2000. This Special Exception was itself, a renewal of Special Exception SE99-M-06, originally granted July 6, 1999, and Special Exception SE98-M-015, originally granted September 15, 1998.¹ The current exception expires on or about April 3, 2003.

The property is located at 14141 Hume Road, State Route 635, in the Marshall Magisterial District.

1. Background

Oasis Winery operates on a parcel of approximately 108 acres, (actually consisting of two parcels bearing PINs of 5998-87-0439 and 5998-88-4344²) located near Hume, Virginia. The bulk of the property is planted with vines producing several different varieties of grapes.

The Winery has been in business since 1977, when Dirgham Salahi personally planted his first vines. Since that time, Oasis has grown substantially, to the point that it is now one of the largest of Virginia's farm wineries, and it is indeed the largest farm winery in Fauquier County. Over the twenty-six years of its sustained growth, the Salahi Family has invested substantially, both personally and financially, in improvements to the property, and to the wine making operation itself. Likewise, during this period, Oasis has grown to be a contributing and dependable member of the County's economic tax base.

Oasis has not only grown in size, but in the quality of its product as well. Its wines have received recognition within the Virginia, American, and international wine industries, and its Brut sparkling wine is one of the very first American wines to be added to the exclusive listing of the Top 10 Sparkling Wines & Champagnes in the World. Oasis was also recently recognized as producing one of the highest rated Chardonnays in the world rated by the San Francisco International Wine Competition sponsored by Bon

¹ Oasis was originally granted a Special Permit for a winery with minor events on March 4, 1993. It was first granted a Special Exception for a winery with major events on June 7, 1994.

² Parcel 5998-88-4344 is titled in the name of Dirgham and Corinne Salahi, and is the site of the family residence and vineyards. The second, and larger, parcel, 5998-87-0439, is titled in the name of the Salahi Family Limited Partnership, and contains the winery itself, an outside deck, a renovated barn area, and associated parking, and a frame machine shed. It is this property upon which the Winery activities occur.

Appetite Magazine. It is the official winery for Wolf Trap and Great Meadow, and its wines have been served at the White House and for people and groups as diverse as the Prince of Wales and the Washington Redskins.

Oasis is open daily except on Thanksgiving, Christmas and New Years Day. The tasting room is open between 10:00 a.m. and 5:00 p.m. during the cool season and between 10:00 a.m. and 6:00 p.m. during the remainder of the year. Also, in accordance with the special exception conditions Oasis holds certain Class C events that are allowed between the hours of 10:00 a.m. and 11:00 p.m. During the day it frequently hosts tours for both groups and individuals. A substantial part of its promotion is through on-site events of different kinds.

These permitted on-site events consist of several larger open houses each year, and other events, generally of smaller scale, held regularly throughout the season. These include wine tastings, Winery tours, wine dinners and lunches, wedding receptions and other similar gatherings.

In accordance with the requirements of its existing Special Exception, however, most of the events which are held at Oasis are classified as "Class C" events, which may be conducted only under the conditions of the Special Exception. Such events are limited to a certain number of cumulative attendees. For example, the wine tasting lunches and dinner are limited to 150 cumulative attendees per event.

Attendance levels at the Winery vary from a small handful of patrons, to more than one hundred, on an unpredictable basis. As stated, "Class C" events are limited in the number of patrons by the Special Exception. The larger open houses have the potential to attract from several hundred to several thousand patrons, again on an unpredictable basis. Currently, these larger open house events are limited to 600 cumulative attendees per event.

Music has been used at Oasis since 1980, and is considered an essential part of the experience of visiting the Winery, and is considered integral to such events as wedding receptions and dinners. At other events it enhances the atmosphere and the enjoyment for patrons. The present Special Exception allows indoor amplified music and outdoor non-amplified music generally, but limits sound levels at all property lines to 60 dB. It expressly prohibits instruments played outdoors from employing electronic amplification.

Oasis employs 10-15 persons on a permanent basis, although more work seasonally when the grapes are harvested. This number has decreased during the past three years as a result of the current Special Exception conditions, which restrict the Winery's ability to hold events that would employ more County residents. The Winery also uses a varying number of volunteers. For example, during harvest volunteers participate in the work, and the Winery makes a contribution to the Make-A-Wish Foundation on their behalf.

The traffic impact of the use is well known to the County. No additional improvements have been suggested by VDOT or the County, and it is the Winery's understanding that VDOT is satisfied with traffic operations at the site. During larger events, Sheriff's deputies routinely provide both security and traffic management as needed.

2. Justification for Reasonable Modifications

The Winery's ability to promote its wines and tourism in the County has been seriously restricted as a result of the current Special Exception conditions that limit its ability to hold moderately sized events at the Winery. This has resulted in a decrease in sales and in fewer available jobs for County residents at the Winery, as well as in a decrease in tourism activity in the County which impacts other interrelated or dependent businesses that rely on patrons to the Winery for their business success. To this end, Oasis is seeking a few minor adjustments to the existing Special Exception conditions to enable the Winery to continue to develop into a thriving and contributing family owned agricultural business consistent with the County's Comprehensive Plan and the County Zoning Ordinance, while at the same time ensuring a harmonious existence with the surrounding community.

Both the County's Comprehensive Plan and the Constitution of the Zoning Ordinance stress the importance of protecting and promoting agricultural industry. As noted in the County's Comprehensive Plan, "tourism is an important and growing segment of the County economy and has the potential to become a major local industry." Moreover, the Plan boasts that Fauquier's beautiful countryside and its wineries are among its "major tourism assets." No other industry brings together the components of agriculture, tourism, business, and conservation like Fauquier's wineries.

In fact, they are the quintessence of the County's motto, "Preserving Agriculture in a Business Friendly Community." The Salahis are proud that the Oasis Winery contributes to the County as a "major tourist asset" that reflects a positive image from which both the family and the County benefit. The Salahis have been very active in promoting tourism in the County. As you are aware, Mr. Tareq Salahi, CEO of the Winery, has been honored to serve at the request of the County Board of Supervisors on the Fauquier County Advisory Committee for Virginia Tourism. In addition, he also serves on a number of other tourism related committees; including, the Wine Growers Advisory Board & Marketing Committee for the Commonwealth of Virginia and the PD-9 Agriculture & Development Committee. And he is the recipient of the "Partner in Tourism Award" presented at the Business Man of the year awards ceremony.

While Virginia has grown to be the fifth largest wine making state in the nation, Virginia wineries are small compared to others, particularly to the national brands. These national wines are able, because of their market predominance, to command significant "shelf space" where finer wines are sold to broad markets. Oasis does not produce the volume of wine sufficient to compete directly with its larger competitors. The Virginia wine industry, including Oasis, depends heavily on tourism and on-site purchases.

Virginia's winery industry leaders and experts agree that in order for a winery to be successful in Virginia it must promote its product and draw customers to the winery. The importance of on-site tourism events for the sale, distribution, and advertising of Virginia wines cannot be overstated.

Oasis is concerned that a number of the conditions of its Special Exception permit are adversely affecting the Winery's economic viability by restricting its ability to have events that advertise its wines and promote their sale and distribution. In fact, the Winery's sales figures since the year 2000, which is the first fiscal year operating under the Special Exception conditions, clearly indicate a decline in total bottles sold at the winery. This decline is alarming when it is compared to an increase in sales reported by other Virginia wineries and with the fact that Oasis wines continued to receive state, national, and international recognition and accolades during the same time period.

Oasis recognizes and is sensitive to the fact that they share a community with neighbors who are entitled to enjoy the use of their properties free from unreasonable interference. To this end, Oasis has made every reasonable effort to meet, discuss with, and agree to compromises with its neighbors that are fair and just for all the parties involved. For example, Oasis has agreed to maintain sound levels at all property lines at a level that is 30 dB below the allowable County standard. Oasis takes the neighbors' concerns very seriously; and has made every reasonable effort to ensure that the activities on the winery premises are not seen or heard by the surrounding property. In fact, it is with great pleasure that Oasis can state that it has not received one complaint from a neighbor since the last Special Exception renewal three years ago, nor is it aware of any complaints that have been made to the County during the same time.

With this in mind, Oasis believes that a few of the Special Exception conditions are overly restrictive and are having a direct impact on the sales at the winery without any additional benefit to the surrounding neighbors. Of particular concern are the following provisions to which Oasis is requesting minor modifications.

Condition No. 1 specifies the types of Class C uses allowed on the property. Oasis is requesting that language be added to this condition clarifying its ability to hold "charitable and political events and/or fundraisers" on the property. This change reflects Oasis' continuing commitment to contribute to charitable causes. In fact, Oasis is pleased to inform the County that Mr. Tareq Salahi was recently honored as the "National Man of the Year" by the Leukemia & Lymphoma Society.

In addition, Mr. Salahi is a major underwriter for the Wolf Trap Foundation for the Performing Arts; an honorary chairman for the Smithsonian Associates; a board member for the Make-A-Wish Foundation of the Mid Atlantic; a member of the National Multiple Sclerosis Society; a member of St. Jude's Children Research Hospital; a member of the American Cancer Society; a member of the Great Meadow Outdoor Foundation/Virginia Gold Cup; a founding contributing member of the Virginia Regional Therapeutic Center; a member of MADD; and a supporter of Polo Great Meadow & Charity Polo Matches.

This request would ensure the Winery's ability to support charitable causes in the community, and would reflect positively on the County without resulting in any additional impact to the surrounding community.

Condition No. 5 limits the number of cumulative attendees for wine tasting lunches at 150 persons between the hours of 11:00 a.m. and 3:00 p.m. Oasis requests that these numbers be changed to 200 cumulative attendees between the hours of 11:00 a.m. and 5:00 p.m. With over a hundred and eight acres, the winery and the vineyard grounds easily accommodate groups of up to 200 attendees with no impact, essentially, to the surrounding community. Further, it is not unrealistic to expect a wine tasting lunch to last until 4:30 p.m. or 5:00 p.m. Many groups travel more than an hour and a half from Washington, DC to visit the Winery, some arrive late, but all expect to enjoy a long relaxing visit. These changes will help accommodate this reality. Naturally, this will necessitate a change to the 150 figure found in Conditions Nos. 2 and 6 as well.

Condition No. 6 limits the number of wine tasting dinners to 15 per month between the hours of 6:00 p.m. and 10:00 p.m. For many of the same reasons, Oasis is simply seeking to have the hours for the wine dinners changed to between the hours of 6:00 p.m. and 11:00 p.m.

Condition No. 7 limits the number of Class C events to twelve (12) per year, including weddings and other activities. Oasis proposes that this number be increased to thirty-six (36) per year. With a 300 attendee limit, these events also have minimal, if any, impact on the surrounding community. They are out of view and cannot be heard from the property lines, especially in light of the 60 dB sound limit imposed by Condition No. 11.

Condition No. 7 also requires that event breakdowns must cease by 11:00 p.m. As a practical matter, it is unrealistic to expect that a caterer will be able to complete a thorough breakdown by 11:00 p.m. for an activity that ends at 10:00 p.m. In fact, it is not uncommon to have a few workers wiping down the last tables at 1:00 a.m. Oasis requests that this specific provision be deleted to reflect this reality.

Conditions 10 and 11 require that the sound levels not exceed 60 dB at all property lines and further prohibit amplified music at outdoor events. Oasis is agreeable to the 60 dB limit, which as stated previously happens to be 30 dBs below the County noise standard. However, the additional requirement that prohibits music from being amplified is of no additional benefit to the surrounding neighbors and unreasonably burdens event operations. For example, many classical instruments that are used during weddings, such as a harp, require slight amplification to be heard by all the attendees. It reflects negatively on the winery when an attendee becomes irritated or uncomfortable during a wedding ceremony because he or she cannot hear the non-amplified music. Oasis suggests that the 60 dB limit remain, but that the non-amplification provisions be removed, or at a minimum, that the language in the conditions be further refined to allow classical instruments that require minimal amplification.

3. Conclusion

For the foregoing reasons, Oasis respectfully asks that the Board of Supervisors grant Oasis a renewed Special Exception, with the proposed modifications to the existing conditions for an extended period of five years.